

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7765**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN CALVIN PITTS, a/k/a Johnny Pitts,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Henry C. Morgan, Jr., District Judge. (CR-98-70)

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Submitted: January 30, 2003

Decided: February 10, 2003

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Before WILLIAMS, MOTZ, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John Calvin Pitts, Appellant Pro Se. Michael R. Smythers, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

John Calvin Pitts appeals the district court's order denying his motion to modify his sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See United States v. Pitts, No. CR-98-70 (E.D. Va. Nov. 6, 2002). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED